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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/634,901  | 08/06/2003  | Cosmo Castaldo       | 0267-001-2021       | 7336             |
| 7590  | 08/18/2004  |                      | EXAMINER            |                  |
| Greenberg Trauring, LLP<br>885 Third Avenue<br>New York, NY 10022 |             |                      |                     | FISHMAN, MARINA  |
|   |             | ART UNIT             |                     | PAPER NUMBER     |
|   |             | 2832                 |                     |                  |

DATE MAILED: 08/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/634,901             | CASTALDO, COSMO     |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Marina Fishman         | 2832                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
 THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 26 July 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-38 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-38 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***General Status***

1. This is a Final Action on the Merits. Claims 1 - 38 are pending in the case and are being examined.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 –7 and 10 – 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Wulle [US 1,818,290].

Regarding Claims 1, 6, 7, 17, 18, 24 and 28, Wulle discloses a device [Figures 1

–

7] comprising:

- a switch [B], on the device for turning power to a receptacle on or off [Figure 1];
- a member [A9] coupled to the device and having a first position [Figure 3, switch is OFF] which allows a plug [C5] to be inserted into receptacle [C] and a second

- position [Figure 4, switch is ON] which prevents the plug from being inserted into receptacle; and
- connecting means [D2;D6,D8,B9] coupled to the member and to the switch to enable the switch to connect the receptacle to a source of power when the member is in the second position;
  - a mounting lug [A1, A2] disposed on housing of the device [Figure 1];
  - a housing [A];

Regarding Claim 2, Wulle discloses the connecting means disables said switch from connecting the receptacle to a source of power when said member is in the first position.

Regarding Claim 3, Wulle discloses a locking means [D6] for locking the plug to the receptacle when the member is in the first position.

Regarding Claim 4, Wulle discloses the locking means [D6] for locking the plug to the receptacle when the member is in the second position.

Regarding Claim 5, Wulle discloses the connecting means turns said switch to the OFF position when the member is moved from the second position to the first position.

Regarding Claims 10 -12, Wulle discloses the connecting means comprises a first linkage [D2] and a second linkage [D6,D8,B9], the first linkage and the second

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linkage are connected to each other. The first linkage is connected to the member [D] and the second linkage is connected to the switch [Figures 3,4].

Regarding Claim 13, Wulle discloses a cam B9 (part of second linkage D6+D8) attached to the switch and for Claim 14, the second linkage is operable to move the cam thereby moving the switch.

Regarding Claim 15, the operation of a spring [D5] with linkage members [D2,D6,D8,B9] works as an indexer and the arrangement causes the member to remain in the first or the second positions.

Regarding Claim 16, Wulle discloses a cam [D8, Figure 7] with indentation and knob [A9, Figure 3]. Operation parts of rod [end of the rod D6] and spring [D5] maintain the position of rod in indentations of the cam [B9].

Regarding Claims 18 and 19, plug and receptacle are discussed above, in case when the plug is not fully inserted, the switch is locked in OFF position due to interference of nose [D3] with the body of the plug [aperture D4 of the plug body will not be aligned with the nose D3]. Further for claim 19, the switch is locked in OFF or ON position due to operation of a spring [D5] and linkage members [D6, B9, D8].

Regarding claims 20-23, the method of coupling a plug to a receptacle comprising the steps providing a member having a first position for permitting the plug to be inserted into or being removed from the receptacle and a second position for blocking the plug from being inserted into or removed from the receptacle, placing the member into the first position; connecting the plug to the receptacle; moving the member into a the second position where the plug may not be removed from the

receptacle and enabling the receptacle to be coupled to a source of power, a method of coupling the plug to a receptacle are disclosed in Figures 1-6.

Regarding Claims 24-27, the member is treated as handle and the other limitations are discussed above.

Regarding claims 31-38, the disclosed member/handle [A9] is user accessible.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8, 9, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wulle [US 1,818,290] in view of Klimek [US 3,887,256].

Regarding Claims 8 and 29, Wulle discloses the instant claimed invention except for a gasket in the receptacle. Klimek et al. discloses a plug and socket arrangement, with socket having seal or gasket [88]. Therefore, it would have been obvious to one of ordinary skill in the art to provide gasket in the receptacle in Wulle, as taught by Klimek, so as to provide seal between the plug and socket.

Regarding Claims 9 and 30, the portion of the socket housing of Klimek acts as hold down clamp for the gasket.

***Response to Arguments***

5. Applicant's arguments filed July 14, 2004 have been fully considered but they are not persuasive.
6. In view of The Applicant's amendment to claims 6 and 27, the Examiner has withdrawn the 35 USC 112, second paragraph rejection.
7. The Applicant's has argued that Wulle disclosed element D as a housing. The Examiner agrees, however, Wulle discloses member or handle A9, which allows the plug to be inserted or removed from the socket, as explained on page 1, lines 95-100 and page 2, lines 1-2. The Examiner has made minor correction to the rejection to make the rejection clear.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is 571-272-1991. The examiner can normally be reached on 7-5 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin Enad can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

10. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marina Fishman  
August 10, 2004

  
ELVIN ENAD  
SUPERVISORY PATENT EXAMINER  
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8/16/04